

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KRISTIN MARIE FERGUSON,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LARRY FERGUSON,

Respondent-Appellant.

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UNPUBLISHED

August 28, 2003

No. 244107

Wayne Circuit Court

Family Division

LC No. 01-405229

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child after release pursuant to MCL 710.29(7). We affirm.

Respondent voluntarily released his parental rights after the court explained the nature of those rights to him. On appeal, he contends that the court was required to advise him that a change of heart is not a sufficient basis on which to seek relief from a release. A motion for rehearing will not be granted based on a change of heart alone, *In re Burns*, 236 Mich App 291, 292-293; 599 NW2d 783 (1999); *In re Curran*, 196 Mich App 380, 385; 493 NW2d 454 (1992), and this Court has recommended that trial courts should make it clear to parents that “although there is a technical right to rehearing within twenty-one days, that right will not permit the court to set aside the release unless it is convinced that it is in the best interest of the child to do so.” *Burns*, *supra* at 293 n 1. However, the statute does not require that the respondent be so advised.

Respondent next contends that the court erred in failing to make a finding on the record that the release was in the child’s best interests and in failing to state the reasons for its finding in the certification of the release. The applicable court rule states that a release “is valid if executed in accordance with the law at the time of execution,” MCR 3.801(B), and the statute requires the court to make a determination regarding the child’s best interest. Nothing in the statute or court rule requires the court to make its determination on the record or to make findings of fact supporting its determination. Respondent acknowledged on the record that the release was in the child’s best interest and the court made a determination, as reflected in the certification of the

release, that the child was best served by the release. This was sufficient to satisfy the requirements of the statute.

Affirmed.

/s/ Jane E. Markey

/s/ Mark J. Cavanagh

/s/ Henry William Saad